

CIVIL SERVICE COMMISSION MINUTES

March 3, 2010

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

Present were:

A.Y. Casillas
W. Dale Bailey
William O'Connor
Jeff Morse

Absent was:

Francesca Krauel

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamar, Executive Officer
Karen Landers, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

Approved
Civil Service Commission

April 7, 2010

SAN DIEGO COUNTY CIVIL SERVICE COMMISSION
REGULAR MEETING MINUTES
MARCH 3, 2010

2:00 p.m. CLOSED SESSION: Discussion of Personnel Matters
and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San
Diego, California

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
3			

COMMENTS: Motion by Casillas to approve all items not held for discussion; seconded by O'Connor. Carried. (Commissioner Morse abstained from approving Agenda Item No. 1).

CLOSED SESSION AGENDA

County Administration Center, Room 400B
(Notice pursuant to Government Code Sec. 54954.2)
Members of the public may be present at this
location to hear the announcement of the
closed session agenda.

A. Commissioner Casillas: CONSIDERATION OF PUBLIC EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(b)) Fern Steiner, Esq. on behalf of **Earnest Davis**, former Associate Air Pollution Control Engineer, appealing a Final Order of Removal and Charges from the Air Pollution Control District.

OPEN SESSION AGENDA

County Administration Center, Room 358

MINUTES

1. Approval of the Minutes of the regular meeting of February 3, 2010.

Approved.

CONFIRMATION OF ASSIGNMENT

2. Commissioner Krauel: Bradley Fields, Esq., on behalf of **2010-01**, appealing an Order of Pay Step Reduction and Charges from the Sheriff's Department.

Confirmed.

DISCIPLINE

Findings

3. Commissioner Casillas: Fern Steiner, Esq. on behalf of **Earnest Davis**, former Associate Air Pollution Control Engineer, appealing a Final Order of Removal and Charges from the Air Pollution Control District.

FINDINGS AND RECOMMENDATIONS:

The matter of the appeal of Earnest Davis, (Employee), from a written Final Order of Removal and Charges removing him from the class and position of Associate Air Pollution Control Engineer in the Air Pollution Control District, (Department) was assigned to Commissioner Francesca Krauel at the regular meeting of the Civil Service Commission on October 7, 2009. Subsequently, the matter was reassigned to Commissioner A. Y. Casillas, and came on for hearing on January 22, 2010.

Employee was an Associate Air Pollution Control Engineer at the Department. He was a good employee for much of his eighteen year career with the Department. In the last three years, however, the Department's assessment of his performance was that it had severely diminished, resulting in failed Performance Improvement Plans, multiple disciplines, and finally this Order of Removal. At the hearing, Employee attributed the Department's dissatisfaction with him to a work injury and to Department discrimination and retaliation. However, the Department demonstrated that Employee's performance decline far exceeded his loss of capacity due to injury; and the evidence at the hearing did not support Employee's discrimination and retaliation claims. The Department proved the charges in the Order of Removal. Additionally, termination is appropriate because Employee was already given multiple opportunities to correct his performance.

Based on the findings and conclusions set forth above, it is recommended that that the Final Order of Removal be affirmed; and that the proposed decision shall become

effective upon the date of approval by the Civil Service Commission.

Motion by Casillas to approve Findings and Recommendations; seconded by O'Connor. Carried.

AYES: BAILEY, O'CONNOR, CASILLAS, MORSE
NOES: NONE
ABSENT: KRAUEL
ABSENTION: NONE

OTHER MATTERS

Extension of Temporary Appointments

4. Health and Human Services Agency

2 Adult Protective Services Specialists (Rebecca Brown, Acacia O'Quinn)

RECOMMENDATION: Ratify.

Subsequent to the posting of this Agenda, the Agency withdrew the name of Rebecca Brown from the Extension request.

Item No. 4 ratified.

Commissioner Bailey found the subject of the impact of gaming on the community very interesting and asked the Agency for a copy of any investigative report, if one exists. No formal action was requested by the Commission.

5. Public Input.

ADJOURNED: 3:00 p.m.

NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION: APRIL 7, 2010

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